

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JUSTIN HENDERSON,

Plaintiff,

v.

Case No. 19-CV-422

SCOTT HOFFTIEZER,

Defendant.

ORDER

Plaintiff Justin Henderson, who is representing himself, has been permitted to proceed on an Eighth Amendment claim against defendant Scott Hofftiezer. (ECF No. 9.) On December 18, 2019, Hofftiezer moved for summary judgment. (ECF No. 23.) Henderson's response was due on January 17, 2020. *See* Civil L. R. 56(b)(2). That date has passed, yet Henderson has not responded to the motion or informed the court of his inability to do so.

Henderson's failure to respond suggests that he does not oppose the motion. Nevertheless, the court will give Henderson a final opportunity to respond to the motion. If he does not do so by the below deadline, the court will grant Hofftiezer's motion for summary judgment and dismiss the case without further notice or hearing. *See* Civil L. R. 7(d) ("Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion.")

IT IS THEREFORE ORDERED that, on or before **February 14, 2020**, Henderson shall either respond to Hofftiezer's motion for summary judgment or file a letter explaining why he is unable to do so. If Henderson fails to comply with this order, the court will grant Hofftiezer's motion for summary judgment and dismiss this case without further notice or hearing.

Dated in Milwaukee, Wisconsin, this 31st day of January, 2020.

BY THE COURT:

s/Nancy Joseph

NANCY JOSEPH

United States Magistrate Judge